

SUPPORT FOR THE AMENDMENTS

Claims 1-20 and 32-34 were previously canceled.

Claims 36-39 have been added.

New Claims 36-39 are supported by original Claims 5-18, previously presented Claim 34, and the specification (for example, at page 22, line 23 to page 23, line 22).

No new matter has been added by the present amendment.

REMARKS

Claims 21-31 and 35 are active in this application.

The rejections of: (a) Claim 31 under 35 U.S.C. §103(a) over Lopez et al in view of Ruggeri et al and Simonet et al; and (b) Claim 35 under 35 U.S.C. §103(a) over Lopez et al in view of Simonet et al and Foster et al, are respectfully traversed.

Applicants make no statement with respect to the propriety of this ground of rejection and in no way acquiesce to the same.

Applicants note that the Examiner's obviousness rejections rely upon Simonet et al (US 6,790,823). US 6,790,823 was published on September 14, 2004, based on an application filed on April 23, 1998. The present application was filed on April 16, 2004, as a continuation of US 09/673,245 filed on October 23, 2000, which is a National Stage (371) of PCT/JP99/00089, filed on January 13, 1999, and which claims priority to JP 10-113962 filed on April 23, 1998. Based on the foregoing, Simonet et al can only be "prior art" under 35 U.S.C. §102(e). But the priority application for the present application was filed on the same date as the Simonet et al application. To perfect their claim to foreign priority, Applicants **submit herewith** a certified English translation of PCT/JP99/00089 and JP 10-113962.

Applicants request that the Examiner acknowledge entitlement of the present application to the benefit of an earlier filing date provided by the claim to priority to PCT/JP99/00089 and JP 10-113962, which would entitle the present application to the same filing date as the date that Simonet et al is available under 35 U.S.C. §102(e). Accordingly, Simonet et al is not prior art against the present claims these rejections should be withdrawn.

Acknowledgment that these grounds of rejection have been withdrawn is requested.

Applicants submit that the application is now in condition for allowance, and early notification of such action is earnestly solicited.

Respectfully submitted,

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